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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,993	04/12/2001	Rana Dutta	770P009597-US(PAR)	1870
2512	7590	04/21/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			GORT, ELAINE L	
		ART UNIT		PAPER NUMBER
		3627		

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/833,993	DUTTA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Elaine Gort	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 January 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 15-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 15-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. **Claims 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Flitcroft et al. (US Patent 6,636,833).**

Flitcroft et al. discloses a computer based system for conducting online purchase transactions between a merchant and a customer of the merchant, comprising:  
an Internet access server (merchant's server);  
a financial server (such as the central processing station's server 102 which processes credit card transactions);

a merchant host computer connected to the financial server via the internet server (such as a merchants computer system which users access to obtain purchase information used in transactions);

a customer computer terminal connected to the financial server and the merchant host computer via the internet server, which is used to generate a purchase transaction at the merchant's computer (Such as the customer's remote electronic device 104 provides customers access to the Internet and thus the merchant's website which includes the merchant's server and merchant's computers for generating purchase information and links to a central processing station's server for financial purposes. For example: the customer's computer processes the customer's requests for information, or "purchase transaction information", which is generated at the merchant's computer.);

the merchant computer processing a purchase transaction by transmitting purchasing information via a first communication link (such as the link between the merchants computer/server and the central processing station, see column 9 lines 49+ in which purchase information is sent. For example the total price of the purchase and the merchant's account number);

the customer computer terminal completes the purchase transaction by transmitting an acceptance of the purchase transaction information via a second communication link (Such as the communication link between the customer's computer and the financial server/central processing system. When a customer makes a purchase, inherently the purchase requires the customers consent to carry out the

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purchase. In order for a purchase to occur a customer must agree to make a purchase otherwise no transaction would occur. This acceptance can be in many forms such as the act of the customer providing a credit card number or simply agreeing to authorize the transaction otherwise no transaction would occur.); and

the financial server processes the purchase transaction information in correlation with the customer's account information and the merchant's account information (The central processing unit of the credit card system then carries out the financial transaction by taking money from the customer's account and crediting the merchant's account to complete the financial transaction) .

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft et al. (US Patent 6,636,833) in view of Microsoft Computer Dictionary.**

Flitcroft et al. discloses the claimed system but is silent regarding the use of digital signatures and digital certificates. Microsoft Computer Dictionary discloses, on pages 138 and 139, that it is known in the art to provide a digital certificate and a digital signature to ensure the legitimate online transfer of confidential information by means of

public encryption technology and that digital signatures are used to encrypt messages before transmission and to decrypt them on receipt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the communication between customer and merchant's computers and the central processing station of Flitcroft et al. with the digital certificate and digital signatures of Microsoft Computer Dictionary, in order to ensure legitimate transfer of confidential information thru encryption technology.

***Response to Arguments***

5. Applicant's arguments filed 1/4/05 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the system of Flitcroft does communicate independently with both the customer and the merchant during a purchase transaction, and payment transaction before a transaction is complete) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claiming of a first and a second communication link, as claimed, does not limit the claim to requiring independent communication. The first communication link is from the merchant to the credit card processing system which includes the merchant's

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information regarding a total price and a merchant's account information, for example.

The second communication link is the link from the customer's computer to the credit card processing system that transfers the customer's acceptance information which for example may include the credit card number. This second communication link is not defined in the claim to be independent of the first communication link to the financial server.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (571)272-6781. The examiner can normally be reached on Tuesdays and Fridays from 7:00 am to 7:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (571)272-6788. The fax phone number for the organization where this application or processing is assigned is (703)872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Elaine Gort  
Examiner – Art Unit 3627  
April 18, 2005